

RESOLUTION NO. CZAB12-15-09

WHEREAS, **B & F MARINE, INC.** applied for the following:

- (1) BU-1A and RU-1 to BU-2
- (2) Applicant is requesting to permit a proposed eleven (11) story building setback 20' (39' required) from the front (north and south) property lines setback a minimum of 15' (39' required) from the side street (west) property line.
- (3) Applicant is requesting to permit a lot coverage of 49.9% (40% maximum permitted).
- (4) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.50 (1.35 maximum permitted).

REQUESTS #2-#4 ON PLAN "A"

- (5) Applicant is requesting to permit a proposed eight (8) story building setback 20' (33.2' required) from the front (north and south) property lines setback a minimum of 15' (33.2' required) from the side street (west) property line.
- (6) Applicant is requesting to permit a lot coverage of 50.2% (40% maximum permitted).
- (7) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.50 (1.17 maximum permitted).

REQUESTS #5-#7 ON PLAN "B"

AND WITH EITHER GROUP OF REQUESTS, THE FOLLOWING:

- (8) Applicant is requesting to waive the required wall set in 10' from the right-of-way with a 10' wide landscape strip along portions of the rear (south) property line where said lot lies across the street from RU zoned property.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2-#7 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and approval of requests #2-#8 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan Study for Multiuse Project at: B & F Marine, Inc - Plan 'A'," as prepared by Tapia-Ruano Architect, Inc., consisting of 13 sheets and dated stamped received 1/22/08 and "Site Plan Study for Multiuse Project at: B & F Marine, Inc - Plan 'B'," as prepared by Tapia-Ruano Architect, Inc., consisting of 16 sheets and dated stamped received 12/1/08. Plans may be modified at public hearing.

SUBJECT PROPERTY: The west 112' of Tract 2, of AMENDED PLAT OF BIRD ROAD ESTATES, SECTION TWO, Plat book 33, Page 19, less the north 15' and less all that part of Tract 2 which lies within the external area formed by a 25' radius arc concave to the southeast tangent of the west line of said Tract 2, and tangent to the south line of the north

15' of said Tract 2. AND: PARCEL 1: All of QUECK SUBDIVISION (A resubdivision of the south 110' of the east 100' of Tract 2, of the AMENDED PLAT OF BIRD ROAD ESTATES, SECTION 2, Plat book 33, Page 19), Plat book 66, Page 85, being the same property described in the warranty deed recorded under Clerk's File No. 77R-279948 in Official Records Book 9855, Page 1509. AND: PARCEL 2: The east 50' of the west 162' of the south 110' of Tract Two, of BIRD ROAD ESTATES, SECTION TWO, Plat book 33, Page 19. AND PARCEL 3: The east 50' of the west 212' of the south 110' of Tract 2, of BIRD ROAD ESTATES AMENDED, SECTION TWO, Plat book 33, Page 19.

LOCATION: Lying east of S.W. 72 Avenue, Between S.W. 40 Street (Bird Road) and S.W. 41 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered two Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-2 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit a proposed eleven (11) story building setback 20' from the front (north and south) property lines setback a minimum of 15' from the side street (west) property line (Item #2), to permit a lot coverage of 49.9% (Item #3), to permit a floor area ratio (F.A.R.) of 1.50 (Item #4), to permit a proposed eight (8) story building setback 20' from the front (north and south) property lines setback a minimum of 15' from the side street (west) property line (Item #5), to permit a lot coverage of 50.2% (Item #6), to permit a floor area ratio (F.A.R.) of 1.50 (Item #7), and to waive the required wall set in 10' from the right-of-way with a 10' wide landscape strip along portions of the rear (south) property line where said lot lies across the street from RU zoned property (Item #8) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to deny Items #1 through 8 was offered by Peggy Brodeur, seconded by Alberto Santana, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Carla Ascencio-Savola	nay
Jorge Luis Garciga	nay	Jose I. Valdes	nay
Alberto Santana	aye	Angela Vazquez	aye
Elliot N. Zack	aye		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to BU-2 (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requests to permit a proposed eleven (11) story building setback 20' from the front (north and south) property lines setback a minimum of 15' from the side street (west) property line (Item #2), to permit a lot coverage of 49.9% (Item #3), to permit a floor area ratio (F.A.R.) of 1.50 (Item #4), to permit a proposed eight (8) story building setback 20' from the front (north and south) property lines setback a minimum of 15' from the side street (west) property line (Item #5), to permit a lot coverage of 50.2% (Item #6), to permit a floor area ratio (F.A.R.) of 1.50 (Item #7), and to waive the required wall set in 10' from the right-of-way with a 10' wide landscape strip along portions of the rear (south) property line where said lot lies across the street from RU zoned property (Item #8) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 1st day of September, 2009.

Hearing No. 08-9-CZ12-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

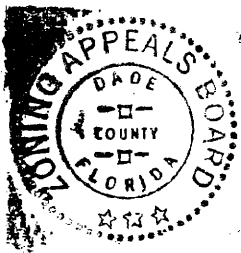
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-15-09 adopted by said Community Zoning Appeals Board at its meeting held on the 1st day of September, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 14th day of September, 2009.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Carlos Alvarez, Mayor

September 15, 2009

Planning and Zoning
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Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

B & F Marine, Inc.
c/o Juan Mayol
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

Re: Hearing No. 08-9-CZ12-1
Location: Lying east of S.W. 72 Avenue, Between S.W. 40
Street (Bird Road) and S.W. 41 Street, Miami-Dade
County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB12-15-09, adopted by the Miami-Dade County Community Zoning Appeals Board 12, which denied Items #1 through 8 without prejudice.

Information regarding options and methods for challenging a decision of a Community Zoning Appeals Board may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cuevas, Jr.
County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

Delivering Excellence Every Day

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Government Information Center
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer